

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-24670-CIV-LENARD/DAMIAN

SHANTEE REESE,

Plaintiff,

v.

ALORICA, INC.,

Defendant.

**ORDER REFERRING DISCOVERY DISPUTES AND CERTAIN PRETRIAL
MOTIONS TO MAGISTRATE JUDGE; DIRECTING PARTIES TO FILE
CERTIFICATES OF INTERESTED PARTIES; DIRECTING PARTIES TO FILE
A NOTICE OF REILING AND/OR OF RELATED CASES; REQUIRING
COMPLETION OF FORM CONSENTING TO JURISDICTION BY
MAGISTRATE JUDGE; NOTICE OF COURT PRACTICE IN REMOVAL
ACTIONS; AND DIRECTING PARTIES TO FILE A JOINT SCHEDULING
REPORT AND FORM**

THIS CAUSE is before the Court upon a sua sponte review of the file.

1. **THIS MATTER IS REFERRED TO US MAGISTRATE JUDGE MELISSA DAMIAN FOR PRETRIAL DISCOVERY DISPUTES AND CERTAIN NON-CASE-DISPOSITIVE MOTIONS**

Pursuant to 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules of the Southern District of Florida, the above-captioned cause is referred to United States Magistrate Judge **MELISSA DAMIAN** to take all necessary and proper action as required by law with respect to **all discovery disputes and discovery motions as well as non-case-dispositive motions filed under Federal Rules of Civil Procedure 12, 13, 14 and 15.**

IT IS FURTHER ORDERED that

2. DEFENDANT SHALL FILE A RESPONSE TO PLAINTIFF'S COMPLAINT

Pursuant to Federal Rule of Civil Procedure 81(c), Defendant shall file a Response to Plaintiff's Complaint by **December 18, 2023**.

IT IS FURTHER ORDERED that

3. THE PARTIES SHALL SUBMIT CERTIFICATES OF INTERESTED PARTIES AND CORPORATE DISCLOSURE STATEMENTS

Plaintiff, Defendant, Intervenors and Amici Curiae shall each file a Certificate of Interested Persons and Corporate Disclosure Statement, which shall contain a complete list of **any and all** persons, associated persons, firms, partnerships, and/or corporations that have a financial interest in the outcome of this case, including subsidiaries, conglomerates, affiliates, parent corporations, and other identifiable legal entities related to a Party. The Parties shall take notice that this disclosure obligation exceeds the scope of that required by Rule 7.1 of the Federal Rules of Civil Procedure. However, if a Party is a publicly-traded corporation, that Party is directed to so state and need not provide more information than is required by Rule 7.1.

The Parties shall have **fifteen (15) days from the date of this Order** to file the original Certificate. Throughout the pendency of this action, the Parties shall remain under a continuing duty to amend, correct and update the Certificate.

IT IS FURTHER ORDERED that

4. THE PARTIES SHALL FILE NOTICES OF REFILING AND/OR OF RELATED CASES

The attorneys of record for the Plaintiff, Defendant, or any other party shall file a Notice of Refiling and/or of Related Cases, containing a list of any action, whether filed before a court or administrative agency, that is described in Section 2.15.00 of the Internal Operating Procedures of the Southern District of Florida. In particular, the Notice shall specifically identify and describe any action that constitutes a previous filing of the above-captioned cause as well as any action that concerns substantially similar factual allegations and legal issues. Each Party shall have **fifteen (15) days from the date of this Order** to file the Notice, and the attorneys of record shall remain under a continuing duty to amend, correct and update the Notice.

IT IS FURTHER ORDERED that

**5. THE PARTIES ARE TO JOINTLY COMPLETE THE ATTACHED FORM
CONSENTING TO JURISDICTION BY A UNITED STATES MAGISTRATE
JUDGE**

In accordance with the provisions of Title 28, U.S.C. § 636(c), the parties are notified that a United States Magistrate Judge is available to exercise the Court's jurisdiction and to conduct any or all proceedings in this case including a jury or non-jury trial, and the entry of a final judgment. The Magistrate Judge may only exercise the Court's jurisdiction, however, if all parties voluntarily consent.

Any party may, without adverse substantive consequences, withhold consent. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any Magistrate Judge or to the District Judge to whom the case has been assigned.

A Party may appeal a judgment that a Magistrate Judge enters directly to the United States Court of Appeals in the same manner as the Party would appeal any other judgment of the District Court. Therefore, in light of the advantages that may be offered by trial before a U.S. Magistrate Judge, such as an earlier, or specially-set trial date, the Parties are urged to consider consenting to magistrate jurisdiction for trial and other related matters. **Within thirty (30) days of the date of this Order**, counsel shall, after conferring with their respective clients, meet in person, by telephone or by other comparable means to complete and file the attached form titled, "Joint Consent to Jurisdiction by a United States Magistrate Judge."

To the extent that this Order conflicts with the Local Rules, this Order supersedes them. The Parties and all counsel are reminded of their ongoing duties to comply with the Federal Rules of Civil Procedure and the Local Rules for the Southern District of Florida, including Rules 5.1(a)-(d) and 7.1(a)-(f).

IT IS FURTHER ORDERED that

6. NOTICE OF COURT PRACTICE IN REMOVAL ACTIONS

Should the non-removing party choose to file a motion to remand this case on the basis of any defect other than subject matter jurisdiction, such motion must be filed within 30 days of the filing of the Notice of Removal pursuant to Title 28, United States Code, Section 1446(b).

Counsel for the removing Party or Parties is directed to file and serve a removal status report ("Removal Status Report") within **fifteen (15) days of the date of this Order**.

Failure to file a timely Removal Status Report shall be grounds for remand. The Removal Status Report **shall contain** the following information:

1. A plain statement of the nature of the claim(s) and of any counterclaim, cross-claim, or third-party claim asserted, including the amount of damages claimed and any other relief sought.
2. A plain statement of the grounds for removal.
3. Where the action has been removed pursuant to Title 28, United States Code, Section 1332, a plain statement of the citizenship of all Parties to the action, including third parties.
4. A list of all Parties to the action, including Parties to any third-party claim.
5. As to each Defendant, a statement as to whether that Defendant:
 - a. has been served;
 - b. has joined in or consented to removal; and/or
 - c. has filed a responsive pleading.
6. A detailed explanation concerning the timeliness of removal.
7. A list of any motions pending at the time of removal.

In addition to the Removal Status Report, Counsel for the Removing Party or Parties must file with the Clerk copies of all process (i.e., returns of service, etc.), pleadings (i.e., complaints, answers, etc.), pending motions (with any attachments, memoranda of law, responses, or replies, etc.), attachments, and orders in the state court action, **within fifteen (15) days of the date of this Order**. The removing Party or Parties need not submit

discovery requests or responses as part of this filing. The above documents shall be filed as separate exhibits to the removal Status Report (but all part of the same docket entry).

Failure of the removing Party or Parties to provide, within fifteen (15) days of the date of this Order, the information requested above and/or required by Title 28, United States Code, Section 1446(a) may result in remand of the action or in the imposition of other sanctions, as appropriate.

IT IS FURTHER ORDERED that

7. THE PARTIES SHALL PREPARE AND FILE A JOINT SCHEDULING REPORT AND FORM

Pursuant to Southern District of Florida Local Rule 16.1(B), counsel for all Parties shall meet in person, by telephone or by other comparable means for a scheduling conference and shall prepare the Joint Scheduling Report and Form.

THEREFORE,

Within thirty (30) days of the date of this Order, the Parties shall file a Joint Scheduling Report. The Report shall be submitted jointly by the Parties; unilateral reports will not be accepted. The Joint Scheduling Report shall include the following information:

1. A discussion of the likelihood of settlement;
2. A discussion of the likelihood of appearance in the action of additional parties;
3. The necessity or desirability of amendments to the pleadings;
4. A proposal for the formulation and simplification of issues, including the elimination of frivolous claims or defenses;
5. Suggestions for the avoidance of unnecessary proof and of cumulative evidence;

6. A discussion of possible admissions of fact; of possible stipulations regarding the authenticity of documents; and of the need for advance rulings from the Court on the admissibility of evidence;
7. A preliminary estimate of the time required for trial; and
8. Any other information that might be helpful to the Court.

IN ADDITION,

As an attachment to the Joint Scheduling Report, **the Parties shall also file a completed copy of the attached form, titled “Joint Scheduling Form.”** All deadlines provided in the form shall be date specific, e.g. January 1, 2025. The Court shall issue a Scheduling Order incorporating, whenever possible, the dates requested by the Parties and counsel. All Parties and counsel shall comply with the time periods adopted in the Scheduling Order so as not to disrupt the dates set for the pretrial conference and trial. The dates and deadlines established by the Scheduling Order shall not be amended without leave of Court upon a showing of good cause.

The Parties and counsel need not submit a proposed Scheduling Order.

8. MEDIATION

In addition to ordering all Parties to participate in mediation following the close of discovery, the Court may order all parties to participate in initial mediation within sixty (60) days upon the appearance of all Parties to this action. In the event initial mediation is unsuccessful in resolving all claims, the Parties shall be required to participate in a subsequent mediation no later than two (2) weeks after the close of fact discovery.


IT IS ORDERED that

Plaintiff is hereby **DIRECTED** to provide a copy of this Order to all Parties entering an appearance or filing a response in this matter who are not currently reflected below.

LAST, IT IS ORDERED that

The body of all filings shall be doubled-spaced (with the exception of block quotations) and shall be printed in 12 point or larger type in an easily-readable font. All page limitations set forth by the Local Rules shall be observed. Non-compliant filings may be stricken from the record.

DONE AND ORDERED in Chambers at Miami, Florida this 13th day of December, 2023.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE